IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION M. NO. 236 OF 2005
IN
FAMILY COURT APPEAL NO.22 OF 2006

Mrs Mansi Milind Behere & Anr. .. Applicants.
Vs
Shri Milind Pandurang Behere, .. Respondent

Mr Tanaji Mahathgude h/f Mr A.V.Anturkar, for the applicants.
Ms. S.S.bhole h/f Mr P.K.Hushng, for the respondent.

CORAM : SMT RANJANA DESAI & D.B.BHOSALE,JJ.
DATE : 02.03.06.

PC:

1. Applicant no.1 is the wife. Applicant no.2 is the minor daughter and the respondent is the husband. For convenience, we shall refer to them as "wife", "daughter" and "husband".

2. By order dated 28.4.2005, the Principal Judge, Family Court, disposed of the petitions filed by the wife and the daughter being Petition No.C-65 of 2003 and Petition No.E-397 of 2003 under section 18(2)(b) of the Hindu Adoption and Maintenance Act and under section 125 of the Criminal Procedure Code respectively, for maintenance. Family Court Appeal No.22 of 2005 is preferred by the wife and Family Court Appeal No.99 of 2005 is preferred by the husband. By the impugned order, the Family Court had directed the husband to pay Rs.1,500/- per month to the wife and Rs.1000/- per month to the daughter. In this civil application, the wife and

the daughter have prayed that they may be granted interim maintenance at the rate of Rs.12,000/- per month.

3. The wife and the daughter have contended that the husband is a businessman and he carries on the business of selling fruits in his shops in the name of Ratna Mango House and Behere Bandhu Ambewale which are famous in Pune. He owns 70 to 80 acres of the land at village Khurde, Tal.Ratnagiri and considering the source of income of the husband, the wife and daughter be awarded maintenance at the rate of Rs.12000/- per month.

4. We have heard the learned counsel for the husband and wife. We also interviewed the wife and the husband in our chamber. We had requested the husband to remain present in our chamber along with his father in order to ensure that the dispute is amicably settled. We are distressed to note that the husband has shown scant regard to the desire expressed by the Court. He remained absent yesterday, i.e. 1.3.06. Even today he is not present. The learned counsel for the husband is not in a position to state as to why he has not remained present. She is not in a position to state when he will remain present in the Court. He has not sent any communication to her. In the circumstances, after hearing the learned counsel, we proceed to deal with this application.

5. The learned counsel for the husband has stated that the husband is willing to pay an amount of Rs.7000/- per month as maintenance to the wife and the daughter. In our opinion, considering the needs of the daughter as indicated in Annexure A-1 to the civil application and the steep rise in prices, the maintenance awarded by the Family Court is inadequate. The learned counsel for the husband has stated that the wife is earning. There is no clear indication in the evidence on record to show that the wife is earning. Considering the fact that the husband is a businessman and he carries on business of sale of mangos and that the family owns considerable land, we feel that the husband should be directed to pay an amount of Rs.10,000/- per month as maintenance to the wife and daughter. Hence, we direct the husband to pay Rs.10,000/- to the wife and the daughter as maintenance per month from the date of the present civil application, i.e. 9.10.2005. The civil application is, accordingly, disposed of.

(D.B.BHOSALE, J.) **(SMT.RANJANA DESAI,J.)**